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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 WILLIAM J. CUNDITT,

9 *Petitioner,*

10 vs.

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12 HIGH DESERT STATE PRISON, *et al.*

13 *Respondents.*
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3:11-cv-00397-ECR-RAM

ORDER

15 This closed prisoner civil rights action comes before the Court following upon a post-
16 judgment class action complaint (#10) filed by plaintiff.

17 The class action complaint was mailed for filing no earlier than July 3, 2011, after entry
18 of final judgment on June 9, 2011. After final judgment has been entered, the pleadings may
19 be amended only if the judgment first is reopened under Rule 59 or 60 of the Federal Rules
20 of Civil Procedure. *See, e.g., Lindauer v. Rogers*, 91 F.3d 1355 (9th Cir. 1996). The judgment
21 in this matter has not been reopened; the class action complaint therefore was improperly
22 filed; and the class action complaint therefore will be stricken.

23 IT THEREFORE IS ORDERED that the class action complaint (#10) is STRICKEN.

24 DATED: this 12th day of July 2011.

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27 EDWARD C. REED
28 United States District Judge